

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

EILEEN BRENNOCK, an individual,

No. 3:23-cv-01931-JR

Plaintiff,

ORDER

v.

NEWBERG SCHOOL DISTRICT, an
Oregon public school district authorized and
chartered by the laws of the state of Oregon;
TERRY MCELLIGOTT, an individual; and
STEPHEN PHILLIPS, an individual,

Defendants.

HERNÁNDEZ, District Judge:

Magistrate Judge Jolie A. Russo issued a Findings and Recommendation on May 28, 2024, in which she recommends that the Court deny Defendant's Motion to Dismiss Plaintiff's Fourteenth Amendment claim on the basis of failure to state a claim, deny Defendant's Motion to Dismiss Plaintiff's claim under Or. Rev. Stat. § 659A.030 on the basis of failure to state a claim, grant Defendant's Motion to Dismiss Plaintiff's Fourteenth Amendment claim on the grounds that it is untimely, and grant Plaintiff leave to file a Second Amended Complaint "to incorporate

the allegations regarding the alleged tolling agreement directly into the complaint.” F&R, ECF 20. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

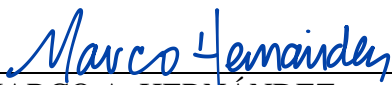
Because no objections to the Magistrate Judge’s Findings and Recommendation were timely filed, the Court is relieved of its obligation to review the record *de novo*. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *see also United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate Judge’s report to which objections have been made). Having reviewed the legal principles *de novo*, the Court finds no error.

CONCLUSION

The Court adopts Magistrate Judge Russo’s Findings and Recommendation, ECF 20. Accordingly, the Court denies Defendant’s Motion to Dismiss Plaintiff’s Fourteenth Amendment and state-law discrimination claims on the basis of failure to state a claim, grants Defendant’s Motion to Dismiss Plaintiff’s Fourteenth Amendment claim on the basis that it is untimely, and grants Plaintiff leave to file a Second Amended Complaint to incorporate the allegations regarding the alleged tolling agreement directly into the complaint not later than 14 days after the entry of this Order.

IT IS SO ORDERED.

DATED: July 8, 2024.



MARCO A. HERNÁNDEZ
United States District Judge